

IN RE: PETITION FOR VARIANCE  
SE and SW/S Maiden Choice Lane  
at Westland Boulevard  
(1080 Maiden Choice Lane)  
13<sup>th</sup> Election District  
1<sup>st</sup> Councilmanic District  
  
Arbutus Shopping Center L.P., by  
KSB Realty, LLC, G.P.  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-157-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Arbutus Shopping Center, L.P., by Jay A. Kaiser, Managing Member for KSB Realty, LLC, a General Partner, through their attorney, David K. Gildea, Esquire. The Petitioners seek relief from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18-foot wide travel aisle width in lieu of the required 22 feet. In the alternative, the Petitioners seek relief from Section 409.6.A.2 to allow 473 parking spaces in lieu of the required 495. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Andrew Ferretti, Professional Engineer with B.L. Companies, the consulting firm which prepared the site plan for the property, and David K. Gildea, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of 9.076 acres, more or less, split zoned B.L.-C.C.C. and R.O. and is improved with a strip shopping center, known as the Arbutus Shopping Plaza, which has been vacant, for the most part, for the past few years. The owners are in the process of revitalizing the property and renovating existing improvements. A new Mars Supermarket is proposed to locate on the site, as well as a

ORDER RECEIVED FOR FILING

Date

By

freestanding Rite Aid Drug Store. The redevelopment of this site will be a tremendous improvement for the Arbutus community, which fully supports the proposed development and the requested variance.

As to the specific request for an 18-foot drive aisle width in lieu of the required 22 feet, the subject drive aisle is located immediately to the rear of the proposed Mars Supermarket. The Developer hopes to provide 26 parking spaces to the rear of the shopping center for employees, with access via the subject drive aisle. In order for these 26 parking spaces to be approved as valid parking spaces, the requested variance is necessary. Given the limited amount of use those parking spaces will get given their location to the rear of the proposed Mars, the 18-foot wide drive aisle width poses no safety concerns. In addition, those 26 parking spaces will allow the Petitioners to meet parking requirements for the proposed improvements. Were the request for a drive aisle width of 18 feet to be denied, then the Petitioners would need a variance from parking requirements.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, I am persuaded to grant the request to allow a drive aisle width of 18 feet in lieu of the required 22 feet. It has been

ORDER RECEIVED FOR FILING  
Date 12/1/98  
By [Signature]

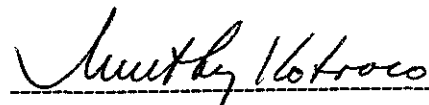
established that special circumstances or conditions exist that are peculiar to the subject property and that strict compliance with the zoning regulations will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4<sup>th</sup> day of December, 1998 that the Petition for Variance seeking relief from Section 409.4.C of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an 18-foot wide travel aisle width in lieu of the required 22 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the alternative variance request seeking relief from Section 409.6.A.2 to allow 473 parking spaces in lieu of the required 495, be and is hereby DISMISSED AS MOOT.



TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 12/4/98  
By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

December 3, 1998

David K. Gildea, Esquire  
Whiteford, Taylor & Preston LLP  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SE and SW/S Maiden Choice Lane at Westland Boulevard  
(1080 Maiden Choice Lane)  
13<sup>th</sup> Election District – 1<sup>st</sup> councilmanic District  
Arbutus Shopping Center, L.P., by KSB Realty, L.L.C. – Petitioners  
Case No. 99-157-A

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the aboved-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Andrew Ferretti, P.E., B.L. Companies  
849 International Drive, Suite 215, Linthicum, Md. 21090

People's Counsel; Case File



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at Arbutus Shopping Plaza  
1080 Maiden Choice Lane

which is presently zoned BL-CCC & RO

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

409 .4C - To permit a 18 foot travel aisle width in lieu of the required 22 foot

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner: David K. Gildea and  
Whiteford, Taylor & Preston L.L.P.

(Type or Print Name)

Signature

210 W. Pennsylvania Ave. 832-2000

Address

Phone No.

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Arbutus Shopping Center Ltd. Partnershi

(Type or Print Name)

KSB Realty, L.L.C.  
its General Partner

Signature

(Type or Print Name)

Jay A. Kaiser  
Managing Member

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

David K. Gildea

Name

410-583-1943

210 W. Pennsylvania Avenue 832-2000

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: BR

DATE 10/14/98

Printed with Soybean Ink  
on Recycled Paper

ORDER RECEIVED FOR FILING

Date

By

99-157-A

#157



**Description to Accompany Petition for  
Variance**

**Arbutus Shopping Center**

**Two Parcels Totaling 7.621 Acres**

**South of Maiden Choice Lane**

**West of Shelbourne Road and West of Westland Blvd.**

**Election District 13, Baltimore County, Maryland**

**Parcel 1:**

Beginning at a point on the westerly right of way line of Maiden Choice Lane, 70' wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Maiden Choice Lane and the centerline of Westland Boulevard (1) South 39 degrees 08 minutes 00 seconds West 35.00 feet, and thence (2) North 50 degrees 08 minutes 30 seconds West 35.00 feet to the point of beginning, thence leaving said beginning point and running the following courses and distances, viz: (1) North 50 degrees 08 minutes 30 seconds West 510.00 feet, and thence (2) South 39 degrees 08 minutes 00 seconds West 400.00 feet, and thence (3) South 50 degrees 08 minutes 30 seconds East 510.00 feet, and thence (4) North 39 degrees 08 minutes 00 seconds East 400.00 feet to the point of beginning; containing 4.683 acres of land, more or less.

**Parcel 2:**

Beginning at a point on the westerly right of way line of Maiden Choice Lane, 70' wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Maiden Choice Lane and the centerline of Westland Boulevard (1) South 39 degrees 08 minutes 00 seconds West 35.00 feet, and thence (2) South 50 degrees 08 minutes 30 seconds East 35.00 feet to the point of beginning, thence leaving said beginning point and running the following courses and distances, viz (1) South 39 degrees 08 minutes 00 seconds West 400.00 feet,

99.157.A

#157

and thence (2) South 50 degrees 08 minutes 30 seconds East 320.00 feet, and thence (3) North 39 degrees 08 minutes 00 seconds East 400.00 feet, and thence (4) North 50 degrees 08 minutes 30 seconds West 320.00 feet to the point of beginning; containing 2.938 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED FOR CONVEYANCE.

May 26, 1998



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 059182

DATE 10/14/98 ACCOUNT 2001-6150

AMOUNT \$ 250.00

RECEIVED FROM: Whiteford, Taylor & Preston

FOR: 020 Commercial Zoning Variance

PAID RECEIPT

PROCESS ACTUAL TIME  
10/14/1998 10/14/1998 10:22:56  
REL US00 CASHIER MUEL WEA DISAMER  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 067051  
CR NO. 059182

250.00 CHECK  
Baltimore County, Maryland

99-137-A

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 157

CASHIER'S VALIDATION

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #98-157-A

1080 Maiden Choice Lane  
Parcel 1: S/S Maiden Choice Lane, W/S Westland Boulevard

Parcel 2: S/S Maiden Choice Lane, W/S Shebourne Road  
13th Election District  
1st Councilmanic District  
Legal Owner(s): Aptibus Shopping Center Ltd. Partnership

Variance to permit an 18-foot travel aisle width in lieu of the required 22 feet and to permit 473 parking spaces in lieu of the required 495 parking spaces.

Hearing: Wednesday, December 2, 1998 at 2:00 p.m. in Room 407, County Court Bldg., 407 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call (410) 987-3353. (2) For information concerning the file and/or hearing, Please Call (410) 987-3391.

11/15/97 Nov. 12 0272855

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 11/12/1998

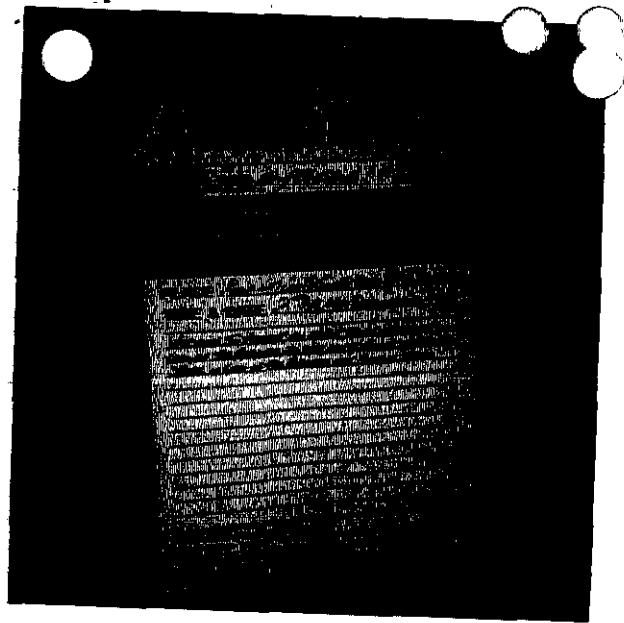
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/12/1998

THE JEFFERSONIAN,

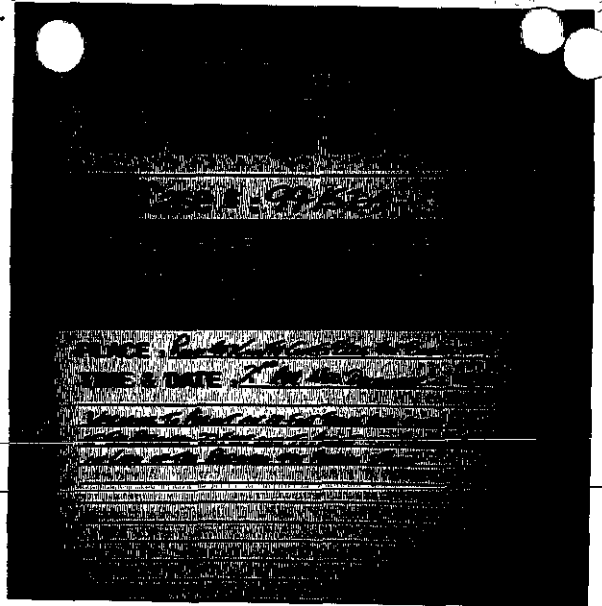
*A. Henickson*

LEGAL AD. - TOWSON

RECEIVED  
NOV 13 1998



WESTLAND BLVD



SHELBOURNE RD

## CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204

**CASE NUMBER:** 99-157-A

**PETITIONER/DEVELOPER:** ( ) *ARBUTUS SHOPPING CENTER LTD. PART.*

**DATE OF HEARING/CLOSING:** ( ) *12-2-98*

**ATTENTION:** MS. GWENDOLYN STEPHENS

LADIES AND GENTLMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY  
THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED  
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,  
*1080 MAIDEN CHOICE LANE - PARCEL-1 & PARCEL-2*

THE SIGN (S) WERE POSTED ON, *11-15-98* BY THE UNDERSIGNED.

SINCERELY,

*Thomas P. Ogle Sr. 11/15/98*

THOMAS P. OGLE SR.  
325 NICHOLSON RD.  
BALTIMORE MD. 21221  
(410) 687-8405  
(410) 687-4381 (FAX)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 99-157-A  
Petitioner: Arbutus Shopping Center Ltd. Partnership  
Address or Location: 1080 Maiden Choice Lane

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Daniel Felder  
Address: Whiteford Taylor + Preston  
210 W. Penn. Ave Towson, Md. 21204  
Telephone Number: (410) 832-2000

Revised 2/20/98 - SCJ

**99-157-A**

#157

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 99-157-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: Variance to permit either a 18 ft. travel aisle  
in lieu of the required 22 ft. or to permit 473 parking  
spaces in lieu of the required 495 parking spaces.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

**DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW**

**HANDICAPPED ACCESSIBLE**

TO: PATUXENT PUBLISHING COMPANY  
November 12, 1998 Issue - Jeffersonian

Please forward billing to:

David Gildea, Esquire                      410-832-2000  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204

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## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-157-A

1080 Maiden Choice Lane

Parcel 1 – S/S Maiden Choice Lane, W/S Westland Boulevard

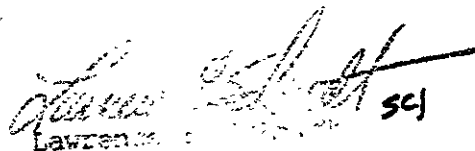
Parcel 2 – S/S Maiden Choice Lane, W/S Shelbourne Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Arbutus Shopping Center Ltd. Partnership

Variance to permit an 18-foot travel aisle width in lieu of the required 22 feet and to permit 473 parking spaces in lieu of the required 495 parking spaces.

HEARING: Wednesday, December 2, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

October 29, 1998

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-157-A

1080 Maiden Choice Lane

Parcel 1 – S/S Maiden Choice Lane, W/S Westland Boulevard

Parcel 2 – S/S Maiden Choice Lane, W/S Shelbourne Road

13<sup>th</sup> Election District – 1<sup>st</sup> Councilmanic District

Legal Owner: Arbutus Shopping Center Ltd. Partnership

Variance to permit an 18-foot travel aisle width in lieu of the required 22 feet and to permit 473 parking spaces in lieu of the required 495 parking spaces.

HEARING: Wednesday, December 2, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon  
Director

c: David K. Gildea, Esquire  
Arbutus Shopping Center Ltd. Partnership

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 17, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

November 27, 1998

David K. Gildea, Esq.  
Whiteford, Taylor & Preston, LLP  
210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Item No.: 157  
Case No.: 99-157-A  
Location: 1080 Maiden Choice Lane

Dear Mr. Gildea:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 14, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



**Baltimore County Government  
Department of Economic Development**



400 Washington Avenue  
Towson, MD 21204

(410) 887-8000  
Fax (410) 887-8017

**MEMORANDUM**

To: Gwen Stephens  
Department of Permits and Development Management

From: Andrea Van Arsdale  
Revitalization Director

*NA*

Date: November 2, 1998

Re: Parking and Aisle Width Variance - Arbutus Shopping Center, ZAC Number 157

---

The Department of Economic Development would like to express its support for the submitted Variance. The Variance is necessary to accommodate a new 36,000 square foot Mars Supermarket which will be occupying a store that has remained vacant for over one year in the Arbutus Shopping Center. The fifty year old Center does not meet the current space requirements of a modern full service supermarket. Therefore, an expansion of the existing facility is required. The expansion plans include a provision for 8,100 square feet of mezzanine space for the building's mechanical equipment, which will not increase the parking demand. In addition to serving as asset to the community and stabilizing the Center, the project also creates the following benefits:

- redeveloping an older shopping center that has experienced deterioration;
- significant private investment;
- the occupancy of a large space with unique tenant requirements;
- establishing a destination that will increase commercial activity by attracting people to the Center and surrounding commercial area;
- improving the building facade, sidewalks, and parking lot;
- installing two new fire hydrants and updating the building to current fire code;
- creating significant employment opportunities; and
- generating new income and property tax revenue for the County.

If you have any questions, please call me at X-2055.

## INTEROFFICE CORRESPONDENCE

ZONE1102.157



Baltimore County  
Fire Department

Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

November 17, 1999

RECEIVED JAN 9 6 2000

Department of Permits and  
Development Management (PDM)  
County Office Building, Room 111  
Mail Stop #1105  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 1, 1999

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

155, 156, 157, 158, 159, 160, 161, 162, 163,  
167, 168, and 171

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office  
PHONE 387-4881, MS-1102F

cc: file



6/7/98  
28  
WEP

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** November 12, 1998

**FROM:** Arnold F. 'Pat' Keller, III  
Director, Office of Planning

**SUBJECT:** 1080 Maiden Choice Lane

### INFORMATION:

**Item Number:** 157  
**Petitioner:** Arbutus Shopping Center Ltd.  
**Property Size:** 7.62± Acres  
**Zoning:** BL-CCC & RO  
**Requested Action:** Variance  
**Hearing Date:**

### SUMMARY OF RECOMMENDATIONS:

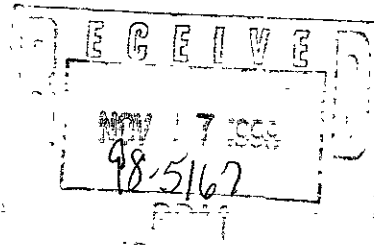
As stated in previous comments in reference to Case No. 98-474-SPHA, the Office of Planning supports the ongoing revitalization of the Arbutus Shopping Center because the improvements are compatible with the Southwest Baltimore County Revitalization Strategy adopted by the Baltimore County Council on December 15, 1997, as an amendment for the Master Plan 1989-2000.

The requested variance for 473 parking spaces in lieu of the required 495 parking spaces is acceptable to this office; it removes parking from the rear of the shopping center which was not conveniently located for shopping center patrons.

**Section Chief:**

AFK:DI:lsn

*Jeffrey W. Long*





**Maryland Department of Transportation**  
**State Highway Administration**

Parris N. Glendening  
Governor

David L. Winstead  
Secretary

Parker F. Williams  
Administrator

Date: 10.27.94

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204


RE: Baltimore County  
Item No. 157 73R

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

  
Michael M. Lenhart, Acting Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

**Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717**  
**Street Address: 707 North Calvert Street • Baltimore, Maryland 21202**

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM

FROM: R. Bruce Seeley.  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: 10/26/98

DATE: 10/30/98

10/30/98  
12/2

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	153 AV	158 -	168
	154 AV	161 -	169
	155 -	162 AV	170
	156 ✓	165 -	
	157 ✓		

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE  
1080 Maiden Choice Lane; Parcel 1 - S/S Maiden  
Choice Ln, W/S Westland Blvd; Parcel 2 - S/S  
Maiden Choice Ln, W/S Shelbourne Rd,  
13th Election District, 1st Councilmanic

Legal Owners: Arbutus Shopping Ctr L.P.

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-157-A

\* \* \* \* \*

### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

ANDREW FERRETTI

B.L. COMPANIES

849 INTERNATIONAL DR. SUITE 215

LINTHICUM, MD 21090

David K. Gillen

Whiteford, Taylor & Preston

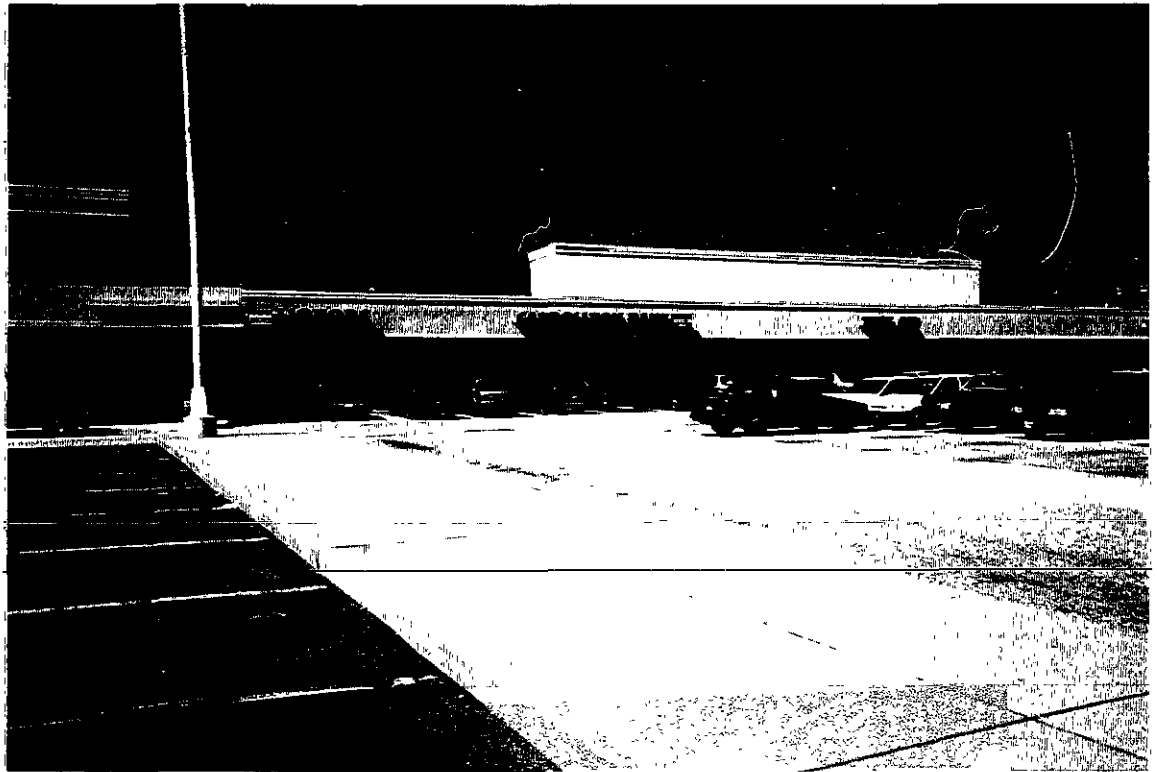
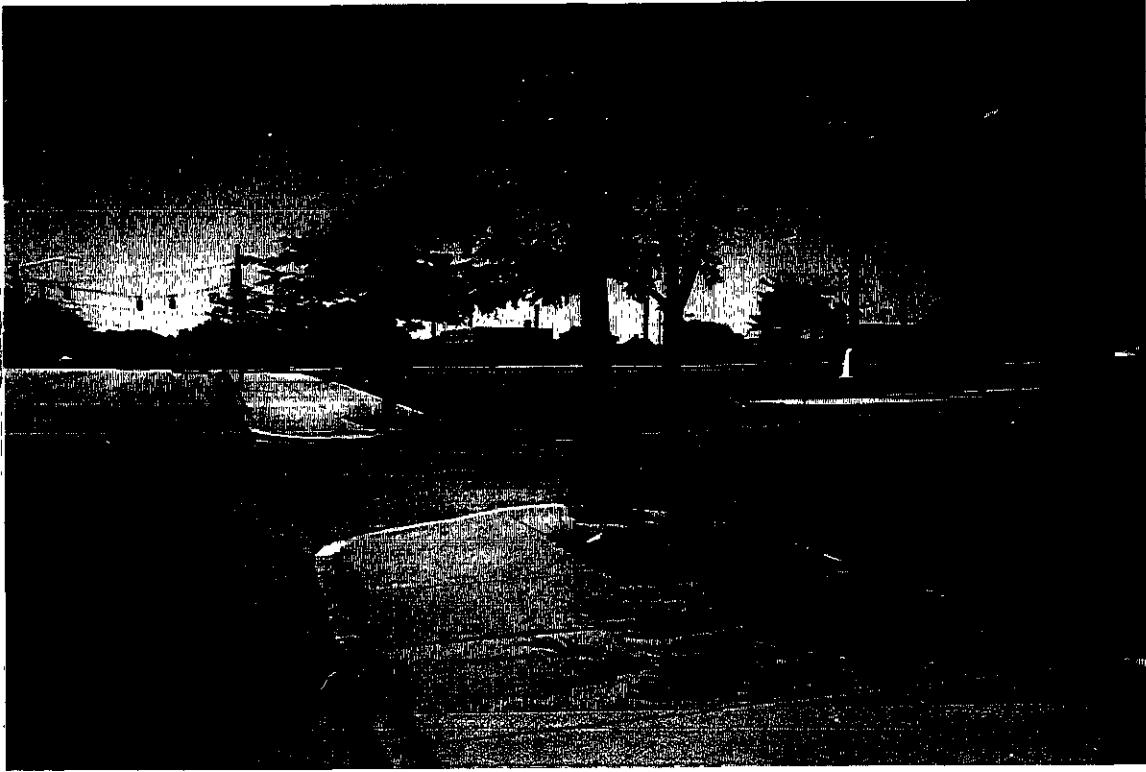
210 W. Penn. Ave.

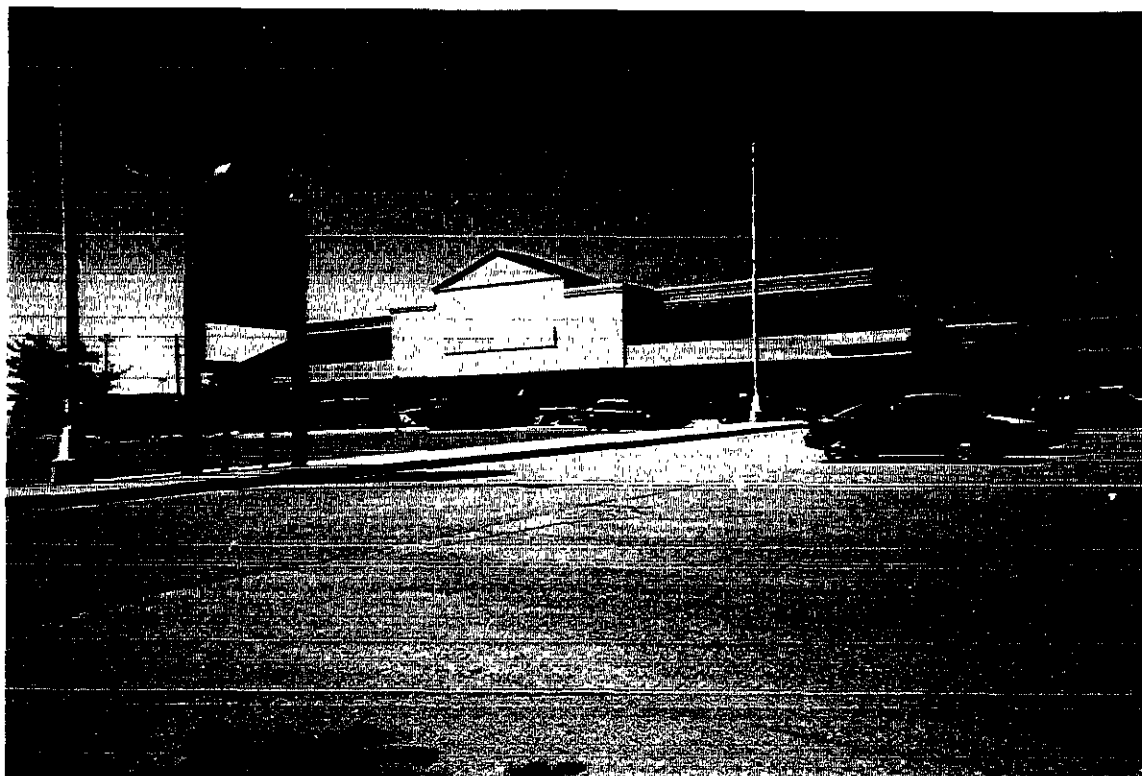
Towson, MD. 21204

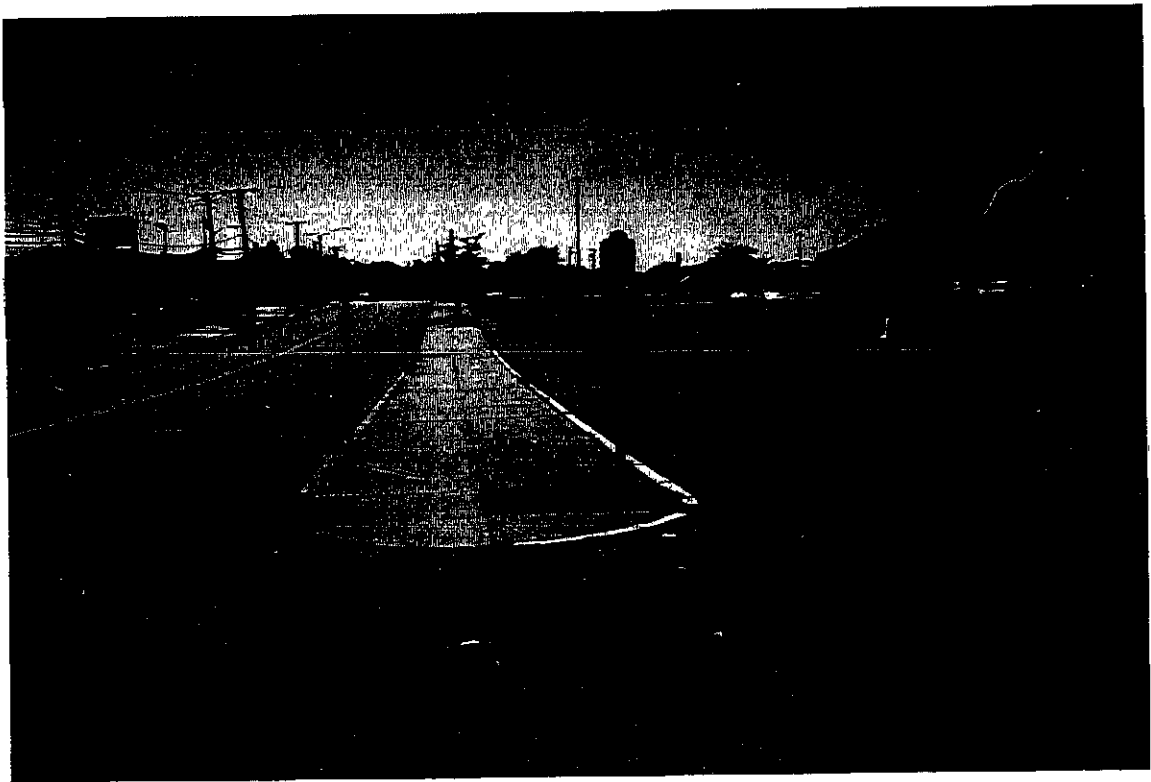


photograph

99-157-A







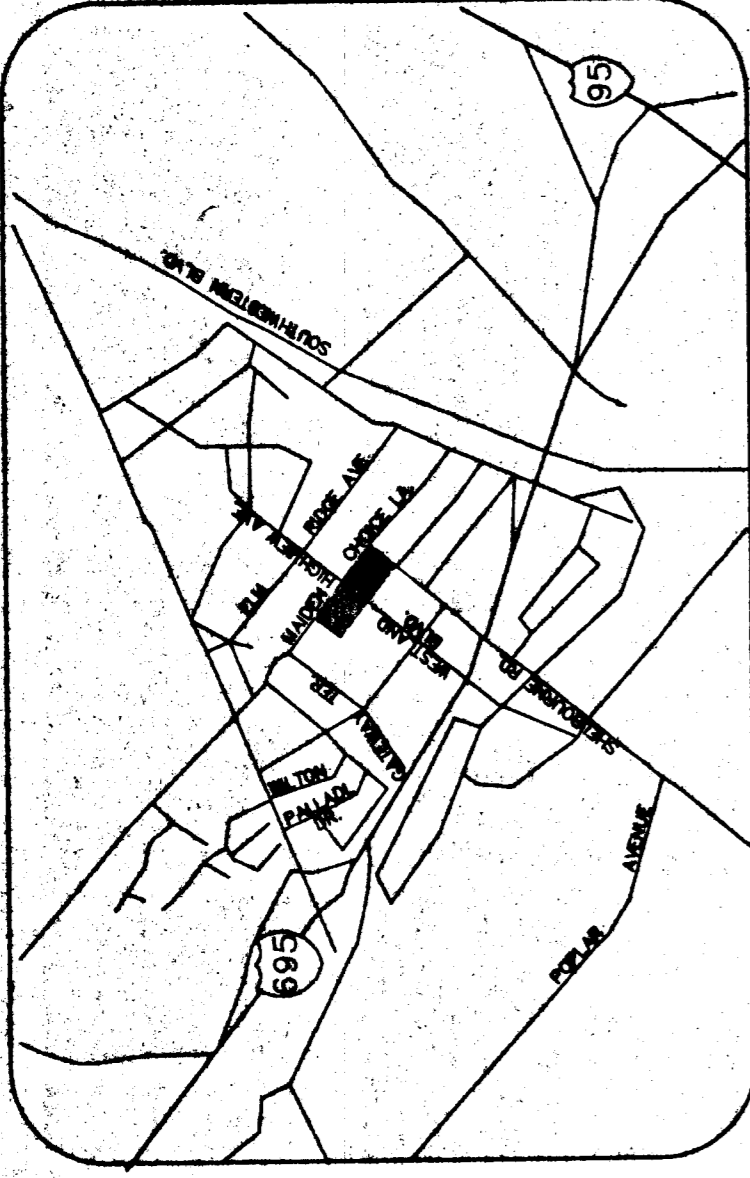
1	Gross Site Area:	9,076 ac
2	Net Site Area:	7,621 ac
3	Tax Account Numbers:	1301740310,1900003947
4	Election District:	1st
5	Councilmanic District:	4309
6	Census Tract:	22
7	Watershed:	2
8	Subsewer Shed:	2
9	Owner:	ASC Associates c/o AMCAP INC. 5150 FARM ROAD

- |    |  |                    |
|----|--|--------------------|
| 10 | Dead Ref:  | 63358/747.3255/370 |
| 11 | Existing Impervious Area:  | 7.04 ac.           |
| 12 | Proposed Impervious Area:  | 7.08 ac.           |
| 14 | To the best of our knowledge, the site is not within the 100 Year Flood Plain.   |                    |
| 15 | To the best of our knowledge, there are no wetlands within the site boundaries.  |                    |
| 16 | To the best of our knowledge, the site is not a designated area of critical state and not in the Chesapeake Bay Critical Area.                                     |                    |
| 17 | To the best of our knowledge, there are no known historic or archaeological resources within the site boundaries.  |                    |
| 18 | This property is not within a historic district.   |                    |
| 19 | This property is not within a "Baltimore County Planning Board Review Area" or "Baltimore County Urban Design Study Area"  |                    |
| 20 | There are no known Forest Buffers within the site boundaries.  |                    |
| 21 | The zoning designation and zoning history for the proposed site is shown on the zoning maps located at the Baltimore County Department of Permits and Development. |                    |

1. Zoning: BL--CC--RR
2. Floor Area Ratio: 4.0  
Required: 0.23  
Proposed:
3. Amenty Open Space: 0.2 x 2.05 ac. (BUDG. FLOOR AREA) = 0.41 ac.  
Required: 0.50 ac.  
Proposed:
4. Zoning History:
  - A. Case No. 98--474--SPHA (order dated 8/17/98) - Special use granted for business parking in a residential zone. Variance for 13,668' rear yard setback, in lieu of the required 20 ft. or setback for parking in lieu of the required 10 ft. setback.
  - B. Case No. 1836--x (order dated 11/8/50) - Special permit granted for gasoline service station located on the southeast corner of Malden Choice Lane and Westland Boulevard.
  - C. Case No. 1127 (order dated 5/28/48) - Reclassification of zoning permitted to change designation from "A. Resident to E" to "Commercial."
5. A limited exemption pursuant to Baltimore County Code Section 26-3171(a)(2) was granted on August 18, 1998.

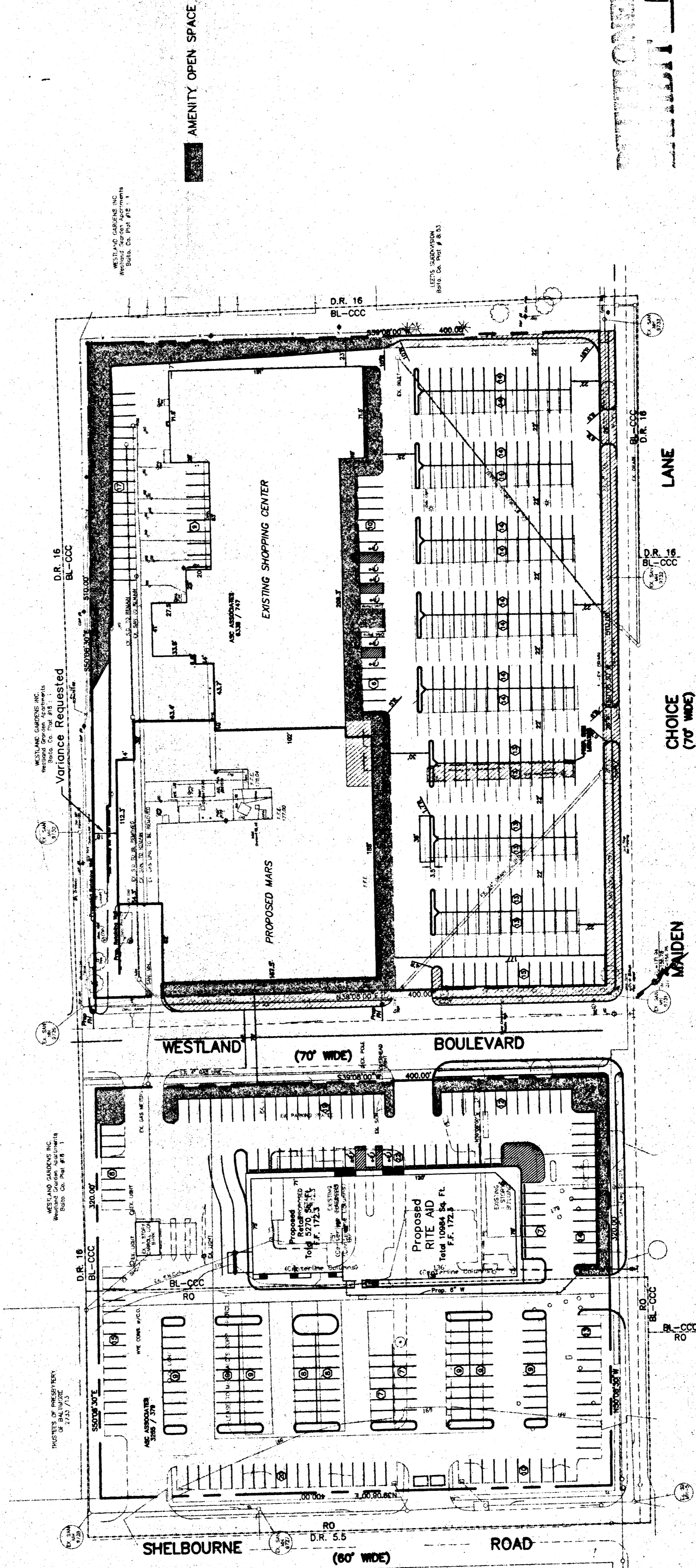
REQUIRED PARKING SPACES:		
RETAIL	78,100 S.F. ● 5 SP PER 1,000 S.F.	= 391 SPACES
BEAUTY SHOP	7,780 S.F. ● 5 SP PER 1,000 S.F.	= 9 SPACES
BANK	7,970 S.F. ● 3.3 SP PER 1,000 S.F.	= 26 SPACES
RESTAURANT	1,730 S.F. ● 16 SP PER 1,000 S.F.	= 28 SPACES
MARKS 2nd FLOOR	6,153 S.F. ● 5 SP PER 1,000 S.F.	= 41 SPACES
<b>TOTAL SPACES REQUIRED</b>		<b>= 495 SPACES</b>
<b>TOTAL SPACES PROVIDED</b>		<b>= 499</b>
INCLUDES 9 HANDICAP SPACES		

7. **Parking Notes for the RO Zone Property.**  
Only passenger vehicles will use the proposed parking spaces. No loading, services, or any use other than parking shall be permitted.  
All lighting will be directed away from any residentially zoned properties.  
Hours of operations are 24 hours a day, seven days a week.
8. **Signage:**  
All signage shall comply with BCZR Section 450.



VICINITY MAP  
SCALE: 1"=1,000'

Variance of BCZR Section 409.4C – to permit 18 ft. wide drive aisle in lieu of the required 22 ft. drive aisle width.



## AMENITY OPEN SPACE

## 5. CONCLUSIONS

WESTLAND GARDENS INC.  
Westland Garden Apartments

ARBUS SHOPPING PLAZA

Barakos-Landino Design Group  
ENGINEERS / PLANNERS / SURVEYORS / LANDSCAPE ARCHITECTS



DESIGNED	ACF
DRAWN	RFS
CHECKED	ACF
APPROVED	ACF
SCALE	1" = 50'
DATE	OCTOBER 12, 1998
PROJECT NO	98B015
CAD FILE NAME	22oning.dwg
SHEET NO	Z-1

99-151-A

#157

